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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BROWN, RUEBEN M

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 09/955,180	Applicant(s) MIYAJIMA ET AL.	
	Examiner Reuben M. Brown	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/19/07</u> .   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION*****Response to Arguments***

1. Applicant's arguments with respect to claims have been considered but are not persuasive. Applicant admits on page 11 that, "It may be possible in Pierre to change the contents of a data object to a current version thereof after transmitting a carousel to the receiving station", but argues, "However, unlike the present invention Pierre does not employ a multi-stage list structure in which a distribution list and link list are associated with each other through link manes included therein". Examiner respectfully disagrees and points out that the "file table or directory", is a link list that is a correspondence between a link name and a video data file name, as recited in the claim. Pierre discusses the file table in more detail in col. 7, lines 50-60, "The files containing the data objects include properties associated with the data objects, such as identifiers, validity ranges, list of references and the like. A file table is also stored to enable the files to be accessed on demand".

Thus, the reference data and the object ID read on the claimed 'link name'. With respect to the "file table or directory", applicant argues on page 12 "even if the file table or directory shown the correspondence between the data objects and their file names as asserted by the examiner, this merely implies the correspondence between the video data and the video data file name, and does not teach the link list of the present invention which shows the correspondence between the link name as the distribution request destination and the video data file name". First

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of al examiner points out that the claimed, 'link name as the distribution request destination', is broad enough to read on the identifier of a particular data object and the reference #. For instance, Fig. 6 discloses (ID = Ref. To Object 999) which is in fact a link to the object with the (ID = 999), also see col. 9, lines 7-65. Clearly then, the invention of Pierre is consistent with the claimed subject matter, in other words consumers are provided with data and links (i.e., references or pointers) to other data. Therefore, when the system desires to update information to be transmitted to the consumer, it is easier to simply change (i.e., update) the name (ID) of the file to be transmitted, rather than changing the link. In particular, it is disclosed that when live data is to be retrieved, the system will store the reference (i.e., link name), but instead will retrieve the updated version of the live data, col. 9, lines 27-50.

Applicant furthermore argues on page 13, "Therefore, unlike the link list of the present invention, a video distribution system cannot update the contents of the 'file table or directory' of Pierre". Examiner respectfully disagrees and points out that by changing the version number in Pierre, the contents of the file table or directory are updated. Applicant also argues on page 13, "The examiner makes no mention as to whether the 'file table or directory' includes version numbers and flags similar to those inserted in the data stream. As a matter of fact Pierre does not disclose such a technical matter". Again, examiner respectfully disagrees and points out that Pierre clearly teaches that the version number is used to send updated data objects to the consumer, see col. 6, lines 60-67 thru col. 7, lines 1-6 & col. 8, lines 7-38.

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In light of the arguments above, examiner also respectfully disagrees with applicant's assertion on page 14 that, there is no association between the matters asserted by the examinee regarding the link list updating device with the updating the file or table directory'.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-10, 14-17, 19-22, 24-27 & 29-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Pierre, (U.S. Pat # 7,000,245).

Considering claim 1, the claimed video distribution system that distributes video data to a user terminal that can connect to a network, comprising;

'a distribution list generating device that generates a distribution list that defines a distribution order of the video data of the user terminal and includes a link name that links video data as a distribution request destination', reads on the broadcast station 12, which Pierre

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teaches presents multimedia to viewers, col. 4, lines 34-64; col. 7, lines 50-53. The claimed 'distribution order' reads on the carousel of data objects, which are placed in order by the broadcast station, col. 7, lines 40-45. The claimed 'link name that links video data', reads on the identifier that identifies particular data objects in stream of data objects, such as objects 21-23, see col. 5, lines 41-67 thru col. 6, lines 1-30 and the reference ID, (see Fig. 6).

'link list generating device that generates a link list that is a correspondence list between the link name and a video data file name corresponding to the link name', also reads on the broadcast station 12 that creates a 'file table or directory' which shows the correspondence between the data objects and their file names used for storage in a mass storage device, MSD such as MSD 16, see Fig. 1 & Fig. 5; MSD 40, see Fig. 3; col. 5, lines 45-54; col. 6, lines 30-67; col. 7, lines 40-67 thru col. 8, lines 1-39. The claimed, 'video data file name', corresponds with the carousel ID& version number, as disclose in Pierre, see col. 5, lines 45-67.

'link list updating device that updates the video data file name corresponding to the link name in the instant link list to another video data file name depending on distribution condition, wherein the video data is distributed based on the link list', the broadcasting station 12 also updates the data stored in files, which need to have current data, see col. 8, lines 1-20. In particular, Pierre teaches that in some instances, instead of storing live data, and indication of data is stored, so that when need, the new live data corresponding to the reference is obtained and used in place of the original live data, thereby updating the program when it is played. Thus the claimed 'updates the video data file name', corresponds with changing of the version number

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that corresponds with carousel information 20. The version number is changed in order to provide the viewer with updated information, such as in the case of providing current live data content, see col. 5, lines 65-67; col. 7, lines 35-67 thru col. 8, lines 1-38.

Considering claims 2 & 9, 'wherein, in the case in which the video data is associated with distribution condition information that includes as the distribution condition information at least one of, 'time and duration information', 'area information that designates the distribution area', 'cumulative distribution number information that limits the cumulative number of distributions' and 'attribute information about the user', is met by the discussion of Pierre that if video data is stored in a mass storage device, then at the presentation time, the system which retrieve the appropriate video data file, from the appropriate storage location, see col. 6, lines 30-50 & col. 7, lines 65-67 thru col. 8, lines 1-20.

Considering claims 3-4, the claimed subject matter reads on the discussion in Pierre that, 'in effect the system coverts the pushed data transmitted by the broadcast station to pulled data (i.e., data that can be retrieved at the request of the user).

Considering claim 5, the claimed 'video data selecting device that refers to the video data that is scheduled for distribution and selects video data to be distributed thereafter', reads on the operation of the broadcast station 12, which generates a carousel of data based on a particular sequence, see Fig. 2 & col. 5, lines 41-65 thru col. 6, lines 8-50.

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Considering claim 6, the claimed, 'updating device updating the video data file by referring to the priority order list that determines priority order in the distribution of the video data', is met by the operation of the broadcast station 12, which places data objects in the broadcast stream based on particular properties, i.e., priorities, see col. 6, lines 1-55.

Considering claims 7-8 & 10, the claimed video distribution system that distributes video data user terminal comprises features that correspond with subject matter mentioned above in the rejection of claim 1 and is likewise treated.

Considering claims 14, 19, 24 & 29, the newly added subject matter reads on the disclosure in Pierre, "further live data objects can be replaced with references to these objects, so that current live data can be retrieved whenever the program is played back, col. 7, lines 35-40.

Considering claims 15, 20, 25 & 30, the claimed 'obtains a distribution state', reads on the system determining that the live data objects are obsolete, col. 7, lines 60-64; col. 9, lines 26-36. And updating the video data file name corresponding to the link name to the other video data file name in accordance with the distribution state thus obtained and distribution conditions, reads on the updated version of the live content or data objects, as discussed in the analysis of claims 14, 19, 24 & 29.



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Considering claims 16, 21, 26 & 31, the claimed subject matter reads on the discussion in Pierre that the data may be pre-stored or cached, prior to broadcasting of the associated program, col. 6, lines 40-67 & col. 10, lines 1-30.

Considering claims 17, 22, 27 & 32, the claimed subject matter merely reads on the server in Pierre, which cyclically (i.e., periodically) transmits the carousels to the consumers, determining the data objects included within the stream, which is inherent in the invention and reads on the 'distribution log'. In order for the server to transmit carousel information that indicates the data objects within the stream, this information is necessarily detected at the server.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-13, 18, 23, 28 & 33-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pierre.

Considering claims 11 & 13, the claimed computer-readable medium encoded with a computer program that comprise that which correspond with subject matter mentioned above in

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the rejection of claims 1 & 7-8, and are likewise treated. Furthermore, the broadcast station 12 transmits data objects but does not explicitly disclose a computer readable medium. Official Notice is taken that at the time the invention was made, the use of computers and computer readable medium in a broadcast station was old in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Pierre with the well-known feature of a computer and computer readable medium at the broadcast station, at least for the desirable benefit of efficiently managing the instant station.

Considering claim 12, 'wherein, in the case in which the video data is associated with distribution condition information that includes as the distribution condition information at least one of, 'time and duration information', 'area information that designates the distribution area', 'cumulative distribution number information that limits the cumulative number of distributions' and 'attribute information about the user', is met by the discussion of Pierre that if video data is stored in a mass storage device, then at the presentation time, the system which retrieve the appropriate video data file, from the appropriate storage location, see col. 6, lines 30-50 & col. 7, lines 65-67 thru col. 8, lines 1-20.

Considering claims 34 & 39, the newly added subject matter reads on the disclosure in Pierre, "further live data objects can be replaced with references to these objects, so that current live data can be retrieved whenever the program is played back, col. 7, lines 35-40.

Considering claims 35 & 40, the claimed 'obtains a distribution state', reads on the system determining that the live data objects are obsolete, col. 7, lines 60-64; col. 9, lines 26-36. And updating the video data file name corresponding to the link name to the other video data file name in accordance with the distribution state thus obtained and distribution conditions, reads on the updated version of the live content or data objects, as discussed in the analysis of claims 34 & 39.

Considering claims 36 & 41, the claimed subject matter reads on the discussion in Pierre that the data may be pre-stored or cached, prior to broadcasting of the associated program, col. 6, lines 40-67 & col. 10, lines 1-30.

Considering claims 37 & 42, the claimed subject matter merely reads on the server in Pierre, which cyclically (i.e., periodically) transmits the carousels to the consumers, determining the data objects included within the stream, which is inherent in the invention and reads on the 'distribution log'. In order for the server to transmit carousel information that indicates the data objects within the stream, this information is necessarily detected at the server.

Considering claims 18, 23, 28, 33, 38 & 43, Pierre teaches updating the version number of dating files to be transmitted to the consumer; thereby transmitting updated information to the consumer, as recited in the claims. However, Pierre does not explicitly disclose that the updated file name may reference a file located at a different server from the first server. Official Notice is taken that at the time the invention was made, it was known for a distribution system to access

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data from multiple different servers in order to be transmitted to one or more consumers. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Pierre with the well-known feature of providing consumers with data from multiple servers, at least for the advantage of providing the consumers with a wider range of programming. Therefore modifying Pierre with the Official Notice statement would provide for changing the video data file name to the video data file of another file at another server, which would allow the system to access a wider range of programming to transmit to the consumer.

### *Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

(571) 273-7290 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown M: Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown

  
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PRIMARY EXAMINER